IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.585 OF 2005
IN
SUMMARY SUIT NO.2053 OF 2005

Shriram Shubhkaran Didwania ..Plaintiff.

Vs.

M/s.J. Parikh & Co. ..Defendants.

Mr.D.M.Tailor for the Plaintiff.
Mr.A.S.Rameson for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 13TH DECEMBER, 2005

P.C. :

The suit is filed to recover the price of goods sold and delivered by the Plaintiff to the Defendants. There is no dispute that the goods were sold and delivered on the terms and conditions contained in the invoice. There is no dispute regarding the receipt of the goods by the Defendants.

2. The goods were supplied over three years ago. There has been no allegation till the filing of the suit that the goods were defective.

3. There was no reply to the Plaintiff's Advocate's notice demanding payment. In the circumstances,

there is no defence to the suit.

4. The invoices do not contain any provision for interest. Interest however was first demanded by the Plaintiff's Advocate's notice of demand dated 1.4.2005.

5. The Summons for Judgment is therefore made absolute and the suit is decreed in the sum of Rs.2,65,720/- together with interest thereon at 12% per annum from 1.4.2005 till payment and/or realisation and costs.

Refund as per rules.